

HOUSE BILL 829

By DuBois

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 35 and Title 55, Chapter 10, Part 1,
relative to motor vehicle accidents involving injury
or death.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-101, is amended by deleting the section in its entirety and substituting instead the following:

(a) The driver of any vehicle involved in an accident resulting in bodily injury to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, and render reasonable assistance to the injured person as required in §55-10-103. Such driver shall also remain at the scene of the accident until the driver has fulfilled the informational requirements of §55-10-103. To the extent possible, the driver should stop the vehicle in a location that does not obstruct traffic and, if not possible, in a location where traffic is least obstructed.

(b) The requirements of this section apply to any accident that occurs on a highway, street, road, parking lot, or any other premise that is open to and generally frequented by the public at large.

(c)

(1) A violation of subsection (a) is a Class A misdemeanor if the accident does not result in the death of another.

(2) A violation of subsection (a) is a Class E felony if the accident results in the death of another.

(3) A violation of subsection (a) is a Class D felony if the accident results in the death of another and the driver knew or reasonably should have known that the death of another resulted from the accident;

(d)

(1) Notwithstanding the provisions of title 40, chapter 35 to the contrary, a person convicted of a violation of subsection (a) and sentenced in accordance with subsection (c)(3) shall receive a minimum sentence of five (5) years.

Nothing in this subdivision shall be construed as prohibiting a judge from imposing a sentence in excess of five (5) years if appropriate under the applicable sentencing guidelines.

(2) A person sentenced pursuant to subsection (c)(3) of this section shall not be eligible for pretrial diversion of any kind, probation, community service nor shall such person be eligible for parole consideration or release on parole until service of five (5) calendar years undiminished by sentence credits of any kind.

(e) Any sentence imposed for a violation of this section shall be served consecutive to any sentence imposed for the violation of any other provision of law arising from the same conduct that resulted in the accident.

(f) In addition to the punishment set out in subsection (c), the commissioner shall revoke the license or permit to drive and any nonresident operating privilege of a person convicted of a violation of this section for a period of not less than one (1) year nor more than three (3) years.

SECTION 2 . This act shall take effect July 1, 2007, the public welfare requiring it.